

PCT

To:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2004/003260

International filing date (day/month/year)  
28.07.2004

Priority date (day/month/year)  
28.07.2003

International Patent Classification (IPC) or both national classification and IPC  
G01V3/08, H03K17/955, B60R19/48

Applicant  
AB AUTOMOTIVE ELECTRONICS LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

**10/566407**  
International application No.  
PCT/GB2004/003260

**IAP20 Rec'd PCT/PTO 26 JAN 2006**

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/003260

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1,21
Inventive step (IS)	Yes: Claims	
	No: Claims	1,21
Industrial applicability (IA)	Yes: Claims	all
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

Reference is made to the following documents:

D1: US-A-5442347 (Vranish)	15-08-1995
D2: WO-A-9807051 (Allied Signal)	19-02-1998
D3: US-A-5373245 (Vranish)	13-12-1994
D4: US-B-6486673 (Schlicker)	26-11-2002

# 1.) Clarity problems (Art. 6 PCT):

1.1) Claim 17 comprises all the features of claim 1 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).

Claim 18 comprises all the features of claim 1 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).

Claim 25 comprises all the features of claim 21 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).

Claim 26 comprises all the features of claim 21 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).

Consequently, there are two independent claims: claim 1 (device) and claim 21 (method). In the further examination claims 17, 18, 25 and 26 have been considered as dependent claims.

1.2) Claims shall not refer to drawings: Rule 6.2 (a) PCT. Therefore, dependent claims 29, 31 and 32 are not admissible and should be discarded.

# 2.) The independent claims 1 and 21:

2.1) The subject matters of claims 1 (device) and claim 21 (method) are not new:

D1 discloses a capacitive sensor for mounting to a body (D1; fig.1, 2; apparatus 12; col.2, li.56-60), comprising:

- a sensor plate (D1; fig.2, ref.16) to have a first signal applied thereto (D1; col.2, li.61, 62)
- first guard plate interposed btw. the sensor plate and the body (D1; fig.2, ref.18; col.3, li.9-13) with a first guard plate signal applied to it (D1: col. 3, li.19, 20)
- a second guard plate interposed btw. the first guard plate and the body (D1; fig.2, ref.20) having a second guard plate signal applied to it (D1; col.3, li.26-32; claim 1).

2.2) The subject-matters of claims 1 and 21 are also not new over D2. D2 discloses a capacitive proximity sensor (D2; page 8, li.1-21) having a sensor plate with current applied (D2; fig.3, ref.105, 113; page 4, li.28-36), having a first guard plate (D2; fig.3, ref. 107, 113) btw. sensor and body and having a second guard plate (D2; fig.3, ref. 109, 113) btw. first guard plate and body.

2.3) The subject-matters of claims 1 and 21 are also not new over D3 (see D3; fig. 3b, ref. 1,2; col.5, li.26-45) and are not new over D4 (see D4; col.2, li.21-31; col.13, li.1-26; col.15, li.32-38; fig.15C).

3.) At the present stage, no inventive contribution can be identified in the dependent claims (see also cited passages and figures of D1, D2, D3 and D4).

4.) Should the applicant nevertheless regard some particular matter as new and inventive, the following points should be taken into consideration:

4.1) **The claims should be concise (Art.6 PCT):** the applicant is requested to draft one independent claim per category (one independent method claim and one independent apparatus claim) and make the other claims dependent claims on these independent claims.

4.2) **The independent claims should be clear (Art. 6 PCT):** all features necessary to carry out a method as claimed and to define the structural features of an apparatus as claimed should be included in the independent claims.

4.3) The applicant should also **indicate in the letter of reply the difference** of the subject-matter of the new claims vis-à-vis the state of the art and the significance thereof.

4.4) In order to expedite the procedure, the applicant is requested to **indicate in his reply the passages** in the application as originally filed which form the basis of the amendments. The applicant respectfully is reminded of **Art.19(2) PCT** which says that **the amendments shall not go beyond the disclosure in the international application as originally filed.**